

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**WILMER TUCKER,**

**Plaintiff,**

**vs.**

**DAN FUNK,**

**Defendant.**

**8:24CV02**

**ORDER TO SHOW CAUSE**

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint on January 3, 2024. ([Filing No. 1](#)). More than 90 days has elapsed since the Complaint was filed. To date, Plaintiff has not filed any return of service or signed waiver indicating service on the defendant, the defendant has not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service. Although Plaintiff is proceeding pro se, Plaintiff must nevertheless comply with local rules, court orders, and the Federal Rules of Civil Procedure. See [Ackra Direct Mktg. Corp. v. Fingerhut Corp.](#), 86 F.3d 852, 856 (8th Cir. 1996) (“In general, *pro se* representation does not excuse a party from complying with a court’s orders and with the Federal Rules of Civil Procedure.”); [Bennett v. Dr Pepper/Seven Up, Inc.](#), 295 F.3d 805, 808 (8th Cir. 2002) (a litigant’s “*pro se* status d[oes] not entitle him to disregard the Federal Rules of Civil Procedure[.]”). Therefore, Plaintiff must show cause why this case should not be dismissed for failure to serve the defendant. Accordingly,

**IT IS ORDERED** that Plaintiff shall have until **April 23, 2024**, to show cause why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 4<sup>th</sup> day of April, 2024.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge